



Substitute Senate Bill No. 320

Public Act No. 10-67

AN ACT CONCERNING THE SELECTION OF TENANT COMMISSIONERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 8-41 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) For purposes of this section, a "tenant of the authority" means a tenant who lives in housing owned or managed by a housing authority or who is receiving housing assistance in a housing program directly administered by such authority. When the governing body of a municipality other than a town adopts a resolution as described in section 8-40, it shall promptly notify the chief executive officer of such adoption. Upon receiving such notice, the chief executive officer shall appoint five persons who are residents of said municipality as commissioners of the authority, except that where the authority operates more than three thousand units the chief executive officer may appoint two additional persons who are residents of the municipality. If the governing body of a town adopts such a resolution, such body shall appoint five persons who are residents of said town as commissioners of the authority created for such town. The commissioners who are first so appointed shall be designated to serve for a term of either one, two, three, four or five years, except that if the

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authority has five members, the terms of not more than one member shall expire in the same year. Terms shall commence on the first day of the month next succeeding the date of their appointment, and annually thereafter a commissioner shall be appointed to serve for five years except that any vacancy which may occur because of a change of residence by a commissioner, removal of a commissioner, resignation or death shall be filled for the unexpired portion of the term. If a governing body increases the membership of the authority on or after July 1, 1995, such governing body shall, by resolution, provide for a term of five years for each such additional member. The term of the chairman shall be three years. At least one of such commissioners of an authority having five members, and at least two of such commissioners of an authority having more than five members, shall be a tenant or tenants [who live in housing owned or managed by such authority, if any exists, provided that any such tenant shall have resided in such housing for more than one year or is a tenant who previously resided in such housing for more than one year and is receiving housing assistance in a housing program directly administered by such authority and provided further that no such tenant shall have the authority to vote on any matter concerning the establishment or revision of the rents to be charged in any housing owned or managed by such authority] of the authority selected pursuant to subsection (c) of this section. If, on October 1, 1979, a municipality has adopted a resolution as described in section 8-40, but has no tenants serving as commissioners, the chief executive officer of a municipality other than a town or the governing body of a town shall appoint a tenant who meets the qualifications set out in this section as a commissioner of such authority when the next vacancy occurs. No commissioner of an authority may hold any public office in the municipality for which the authority is created. A commissioner shall hold office until [his] such commissioner's successor is appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and shall be conclusive

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evidence of the legal appointment of such commissioner, after [he] such commissioner has taken an oath in the form prescribed in the first paragraph of section 1-25. The powers of each authority shall be vested in the commissioners thereof. Three commissioners shall constitute a quorum if the authority consists of five commissioners. Four commissioners shall constitute a quorum if the authority consists of more than five commissioners. Action may be taken by the authority upon a vote of not less than a majority of the commissioners present, unless the bylaws of the authority require a larger number. The chief executive officer, or, in the case of an authority for a town, the governing body of the town, shall designate which of the commissioners shall be the first chairman, but when the office of chairman of the authority becomes vacant, the authority shall select a chairman from among its commissioners. An authority shall select from among its commissioners a vice chairman, and it may employ a secretary, who shall be executive director, and technical experts and such other officers, agents and employees, permanent and temporary, as it requires, and shall determine their qualifications, duties and compensation, provided, in municipalities having a civil service law, all appointments and promotions, except the employment of the secretary, shall be based on examinations given and lists prepared under such law, and, except so far as may be inconsistent with the terms of this chapter, such civil service law and regulations adopted thereunder shall apply to such housing authority and its personnel. For such legal services as it requires, an authority may employ its own counsel and legal staff. An authority may delegate any of its powers and duties to one or more of its agents or employees. A commissioner, or any employee of the authority who handles its funds, shall be required to furnish an adequate bond. The commissioners shall serve without compensation, but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties.

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(b) Tenants of the authority may form a tenant organization that shall have the power to recommend or designate tenants for appointment as tenant commissioner in accordance with subsection (c) of this section. Upon the election of the governing board of a tenant organization, such organization may request to be recognized by the authority as an official tenant organization representing all tenants of the authority. If the authority determines that the election of the governing board was conducted fairly and with sufficient notice of the election to all tenants of the authority, it shall recognize the tenant organization as the official tenant organization.

~~[(b)]~~ (c) Any tenant organization composed of tenants [residing within units owned or managed by the appointing] of the authority may indicate to such authority its desire to be notified of any pending appointment of any such commissioner. A reasonable time before appointing any such commissioner, the [appointing] authority shall notify any such tenant organization. [and, in making such appointment, such authority shall consider tenants suggested by such tenant organizations.] If a tenant organization has been recognized by the authority as the official tenant organization, then the appointee as tenant commissioner shall be selected by (1) a fair election by the tenants of the authority, provided all such tenants received sufficient notice of such election, or (2) other means provided for in the by-laws adopted by such tenant organization, including, but not limited to, selection by its governing board. If a tenant association has not been recognized by the authority as the official tenant organization and if ten per cent of the tenants of the authority or seventy-five tenants, whichever is less, petition the authority for an election, then the appointee as tenant commissioner shall be selected by a fair election by the tenants of the authority, provided all such tenants received sufficient notice of such election. If an appointee as tenant commissioner has not been selected by an election of the tenants of the authority or by other means pursuant to the by-laws adopted by an

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official tenant organization, then the appointing authority shall select the appointee. In making such selection, the appointing authority shall consider any tenants suggested by tenant organizations.

(d) For any election conducted pursuant to subsections (b) and (c) of this section, the housing authority shall use its best efforts to secure a neutral third-party organization to administer such election. To the extent practicable, such third-party organization shall be selected with the agreement of the official tenant organization, if any.

[(c)] (e) Notwithstanding any provision of subsection (a) of this section or any other provision of the general statutes, [to the contrary,] a commissioner of an authority may serve as a justice of the peace or a registrar of voters.